

# PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

From the INTERNATIONAL BUREAU

To:

ROTTEFELLA AS  
N-3490 Klokkarstua  
NORVÈGE

MEISSNER, BOLTE  
& PARTNER

EING 11. Sep. 2007

WV

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Ze	Re	Sk
Bu	Si	Sk
Tx	Bo	Sk
Op	Kr	Sk
Lh	Sk	Fu
Su	Sk	Hu

Date of mailing (day/month/year)  
23 August 2007 (23.08.2007)

Applicant's or agent's file reference  
M/WIT-143-PC

International application No.  
PCT/IB2005/000032

Applicant

## IMPORTANT NOTIFICATION

International filing date (day/month/year)  
10 January 2005 (10.01.2005)

ROTTEFELLA AS et al

### 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

### 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

### 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Cecile Chatel

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference M/WIT-143-PC	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2005/000032	International filing date (day/month/year) 10 January 2005 (10.01.2005)	Priority date (day/month/year)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant ROTTEFELLA AS			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I    | Basis of the report   |
| <input type="checkbox"/> Box No. II              | Priority  |
| <input type="checkbox"/> Box No. III             | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV              | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI              | Certain documents cited   |
| <input type="checkbox"/> Box No. VII             | Certain defects in the international application  |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70 Form PCT/IB/373 (January 2004)	Date of issuance of this report 14 August 2007 (14.08.2007)
	Authorized officer  Cecile Chatel  e-mail: pt13.pct@wipo.int

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) See form PCT/ISA/210

Applicant's or agent's file reference

M/WIT-143-PC

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/IB2005/000032

International filing date (day/month/year)

10.01.2005

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

A63C9/00, A63C5/00

Applicant

ROTTEFELLA AS

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	6, 7, 10-12	YES
	Claims	1-5, 8, 9, 13, 14	NO
Inventive step (IS)	Claims	6, 7, 10-12	YES
	Claims	1-5, 8, 9, 13, 14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: US-A-5 143 395 (MAYR ET AL) 1 September 1992  
(1992-09-01)

D2: WO 2004/045728 A (MADSHUS A/S; BJERTNAES,  
GUNNAR) 3 June 2004 (2004-06-03)

D3: WO 02/49728 A (ELAN, D.D; SARABON, MATJAZ;  
AVGUSTIN, VINKO; RAVNIK, JANEZ) 27 June 2002  
(2002-06-27)

D4: DE 38 38 569 A1 (SALOMON S.A., PRINGY, FR)  
1 June 1989 (1989-06-01)

D5: FR-A-2 569 119 (SALOMON ET FILS ETS FRANCOIS;  
SALOMON SA) 21 February 1986 (1986-02-21)

D6: EP-A-1 240 925 (ALLMANN, ANDREAS)  
18 September 2002 (2002-09-18)

2 INDEPENDENT CLAIM 1

2.1 The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel under PCT Article 33(2). Document D1 discloses (the

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Box No. V

Reasoned statement under Rule 43bis.1(n)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

references between parentheses apply to this document):

A ski (1) or similar snow sliding device, having a mounting plate (3) mounted on the top surface (2) of the ski, the mounting plate (3) being of film type and being adhesively bondable to the top surface (2) of the ski or weldable thereto in such a way that it defines a structural unit therewith.

See comments in Box VIII, 1-5

Furthermore, claim 1 likewise fails to satisfy the requirement of novelty in the light of D2-D6 (see search report), with the mounting plate designs corresponding to claim 1 in various possible variants.

3 DEPENDENT CLAIMS 2-5, 8, 9, 13, 14  
Claims 2-5, 8, 9, 13, 14 do not contain any features which, in combination with the features of any claim to which they refer back, satisfy the PCT requirements for novelty and inventive step.

3.1 D1 discloses the features of claims 2-4, 8 and 14 (see search report). Consequently, D1 does not differ from the features of claims 2-4, 8 and 14, so meaning that these claims are not novel under PCT Article 33(2).

3.2 D2 discloses the features of claims 3, 4, 8, 9

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

and 13 (see search report). Consequently, D2 does not differ from the features of claims 3, 4, 8, 9 and 13, so meaning that these claims are not novel under PCT Article 33(2).

3.3 D3 discloses the features of claims 3, 4, 8 and 14 (see search report). Consequently, D3 does not differ from the features of claims 3, 4, 8 and 14, so meaning that these claims are not novel under PCT Article 33(2).

3.4 D4 discloses the features of claims 2, 3, 5 and 8 (see search report). Consequently, D4 does not differ from the features of claims 2, 3, 5 and 8, so meaning that these claims are not novel under PCT Article 33(2).

3.5 D5 discloses the features of claims 5 and 13 (see search report). Consequently, D5 does not differ from the features of claims 5 and 13, so meaning that these claims are not novel under PCT Article 33(2).

3.6 D6 discloses the features of claim 13 (see search report). Consequently, D6 does not differ from the features of claim 13, so meaning that this claim is not novel under PCT Article 33(2).

4 DEPENDENT CLAIMS 6, 7, 10-12  
The combination of features contained in the dependent claims is neither known from nor suggested by the available prior art. The reasons

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

are as follows:

- The prior art does not disclose mounting plates which have a markedly lower modulus of elasticity "E" than that of body of the ski, in particular with values of 500 to 2000 MPa.
- The prior art does not disclose mounting plates which have an external web as the boundary of a groove, said web projecting slightly beyond the level of the bottom of the central base part.
- The prior art does not disclose mounting plates which comprise a groove with a depth of 0.15 to 0.25 mm.
- The prior art does not disclose mounting plates which comprise a projection on the longitudinal sides as a movement limit stop for a binding slid onto the mounting plate.



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Box No. VIII      Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**Box VIII**

1.      The phrase "in particular" used in claims 1 (line 1), 2 (line 3), 5 (line 3), 6 (line 4), 10 (line 4) and 12 (line 3) and the term "for" used in claim 1 (line 2) are not limiting and therefore the features introduced thereby should not be taken into consideration or only conditionally. The consequence of this is that the definition of the subject matter of these claims must be interpreted by the Examining Division as stated in Box V 2.1. PCT Article 6.
2.      The relative term "virtually" used in claim 1 (line 7) and the relative term "approximately" used in claims 2 (line 3), 10 (line 4) and 11 (line 4) are not clear and are not limiting, and therefore these terms have not been taken into consideration. The consequence of this is that the definition of the subject matter of these claims must be interpreted by the Examining Division as stated in Box V 2.1. PCT Article 6.
3.      The term "structural unit" used in claim 1 (line 7) is very general. Any assembly of at least 2 objects which are held together forms such a structural unit. This may possibly lead to a different interpretation by the Examining Division from that intended by the applicant.  
PCT Article 6.

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INTERNATIONAL SEARCHING AUTHORITY

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Box No. VIII

Certain observations on the international application

4. The technical terms "film" and "injection moulding" in claim 1 both relate to the mounting plate. It is not technically conventional, or possible, to produce a film by an injection moulding process. PCT Article 6.
5. Equally, a "film", as in claim 1, is not compatible with a thickness of 1.5 to 3.5 mm, as in claim 2. A definition of the thickness of a film is not possible, but nevertheless it would generally be understood technically that this thickness is not suitable for a film. Since, in the further claims, the film is subjected to structural measures such as notches, groove, web, etc., the Examining Division regards the feature "film" to be inappropriate, and thus as non-limiting, and has based its examination on "plates" as a technical definition. PCT Article 6.
6. In claim 8 the term "incorporated" is used. This is unclear. Is it intended to mean the continuation of form lines over different materials, or the direct proximity of materials, or the replacement of material layers by other materials? PCT Article 6.